

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 19-1056****September Term, 2018****FCC-16-167****FCC-18-172****Filed On: May 17, 2019**

Sandwich Isles Communications, Inc.,

Petitioner

v.

Federal Communications Commission and  
United States of America,

Respondents

**BEFORE:** Tatel, Millett, and Rao, Circuit Judges**ORDER**

Upon consideration of the motion to dismiss, the response thereto, and the reply, it is

**ORDERED** that the motion to dismiss be granted. The petition for review was untimely under 28 U.S.C. § 2344. The Federal Communications Commission issued a public notice stating it would suspend most operations during the government shutdown and that the suspension would not commence until midday on January 3, 2019. The notice also explicitly stated that it did not affect the effective date of the Commission's actions or dates for filing with entities other than the Commission. The Commission's order denying reconsideration was released midday on January 3, 2019, giving Petitioner 60 days from that date to file a petition for judicial review. Petitioner missed its filing deadline by one day; the court therefore lacks jurisdiction to entertain its appeal. N. Am. Catholic Educ. Programming Found., Inc. v. FCC, 437 F.3d 1206, 1208 (D.C. Cir. 2006) (quoting Waterway Commc'ns Sys., Inc. v. FCC, 851 F.2d 401, 405 (D.C. Cir. 1988)).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**